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Attorney for Debtor and Debtor
in Possession Leon H. Bartlett, Inc.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
(Modesto Division)

In re:)	Case No: 09-92998-11
Leon H. Bartlett, Inc.)	
)	DCNO: SSA-14
Debtor.)	
)	Date: May 5, 2010
)	Time: 11:00 a.m.
)	Place: 1200 I ST. 2 ND Floor
)	Modesto, CA
)	Judge: Ronald H. Sargis, Dept. E.

**MOTION FOR SALE OF PERSONAL PROPERTY OF
BANKRUPTCY ESTATE**
[11 U.S.C. § 363(B)(1)]

TO: THE HONORABLE RONALD H. SARGIS, U.S. BANKRUPTCY JUDGE
PRESIDING:

1. Leon H. Bartlett, Inc. the Debtor and Debtor-in-Possession (herein sometimes referenced as "LHB, Inc.") files this motion (the "Motion") for an order approving sale of personal property. The subject motion is made pursuant to LBR 9014-1(f)(2) and Bankruptcy Code Section 363(B)(1).

2. The LBH, Inc. commenced the subject case on September 17, 2009.

3. Among the unencumbered assets LBH, Inc. owns in this estate are the following:

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ITEM	YEAR	VIN NUMBER
PETERBILT TANK TRUCK WITH CLOUGH TRUCK TANK	1999	1XPFGDU9X3XD464251
CLOUGH 2 AXLE TANK TRAILER	1979	C1423

4. Debtor has received an offer of sale for the above units from prospective buyer Steve Opperman, Opperman & Son, Inc. Trucks Sale and Service whose address is 280 Kiney Drive, Healdsburg, California 95448. The terms of the sale offer as follows:

ITEM	YEAR	VIN NUMBER
PETERBILT TANK TRUCK WITH CLOUGH TRUCK TANK	1999	1XPFGDU9X3XD464251
CLOUGH 2 AXLE TANK TRAILER	1979	C1423
TOTAL:		\$21,500.00

5. The Debtor believes the proposed sale price for the items referenced above is fair and reasonable and is in the best interest of the bankruptcy estate.

6. The Debtor requests court approval of the sale pursuant to 11 U.S.C. § 363(b)(1) of the Bankruptcy Code, absent higher overbids.

7. Should there be parties other than the prospective buyer Steve Opperman who contemplate purchase of any of the above items, Debtor requests that the Court set overbid of any item in the amount of \$500 per unit or \$1,000 overbid for all items collectively.

8. If the sale is approved, Debtor will be receiving the funds in cash. The proposed sale is "as is" and "without warranty".

9. Debtor further requests the court find that the sale is made in good faith pursuant to

1 11 U.S.C. § 363 (m) and the ten day (10) period prescribed under BR 6004(h) be waived in that
2 the funds, subject to court approval, could be used in the operations of Debtor to pay ongoing
3 expenses, or in the alternative segregated subject to disbursement by further order of this
4 Court.¹

5 **WHEREFORE**, the Debtor prays as follows:

- 6 1. That this Court approve the foregoing sale motion;
7 2. That this Court entertain any overbids as requested in the Motion that may arise
8 during the sale held in open Court;
9 3. That the Court find the sale is in good faith as set forth in 11 U.S.C. § 363(m);
10 4. That the ten (10) period prescribed under BR 6004(h) as set forth above;
11 5. That his Court decide to either require the funds to be segregated as set forth under
12 LBR 5008-1(b) or allow Debtor unrestricted use of the funds for its operations.
13 6. For such other and further relief as the court deems just.

14 Dated: April 1, 2010

LAW OFFICE OF STEVEN ALTMAN, PC

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16 By: 

17 STEVEN S. ALTMAN
18 Attorney for Debtor and Debtor-in-Possession
19 Leon H. Bartlett, Inc.
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25 ¹ Debtor has sold previous excess equipment by motion in December 2009 in which this
26 Court has ordered the funds to be put into a segregated account not to be withdrawn or disbursed
27 except upon further order of the Bankruptcy Court in accordance with LBR 5008-1(b). [See Docket
28 No. 214].